

PATENT

Customer No. 22,852

Attorney Docket No. 08364.0025

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Neil PORTER et al. ) Group Art Unit: Unknown  
 )  
 Serial No.: Not Yet Assigned ) Examiner: Unknown  
 )  
 Filed: Herewith )  
 )  
 For: BIOCHEMICAL SYNTHESIS )  
 APPARATUS )  
 Being a U.S. National Phase Application based on PCT/GB00/01000

Assistant Commissioner for Patents  
 Washington, DC 20231

**BOX: PCT**

Sir:

**PRELIMINARY AMENDMENT**

Prior to the examination of the above application, please amend this application  
 as follows:

**IN THE CLAIMS:**

Please amend claims 6, 8-10, 12-14, 17, 20, 21, 25, and 30 as follows:

6. (Amended) A method in accordance with claim 1 including the step of controlling delivery of said first medium to said microorganism when said microorganism has access thereto.

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8. (Amended) A method in accordance with claim 6 wherein said step of controlling delivery of said first medium includes the step of regulating a humidity gradient along which said first medium is delivered.

9. (Amended) A method in accordance with claim 6 wherein said step of controlling delivery of said first medium includes the step of regulating a concentration gradient along which said first medium is delivered.

10. (Amended) A method in accordance with claim 1 including the step of controlling delivery of said second medium to said microorganism when said microorganism has access thereto.

12. (Amended) A method in accordance with claim 10 wherein said step of controlling delivery of said second medium includes the step of regulating a humidity gradient along which said second medium is delivered.

13. (Amended) A method in accordance with claim 10 wherein said step of controlling delivery of said second medium includes the step of regulating a concentration gradient along which said second medium is delivered.

14. (Amended) A method of developing a pharmaceutical product comprising the steps of:

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performing the method of claim 1 in respect of a microorganism under investigation;

applying mass spectrometry analysis to a sample generated by the method; and  
identifying a biochemical component of the sample for further investigation.

17. (Amended) A method of developing an agrochemical comprising the steps of:  
performing the method of claim 1 in respect of a microorganism under investigation;

applying mass spectrometry analysis to a sample generated by the method; and  
identifying a biochemical component of the sample for further investigation.

20. (Amended) A method of producing a pharmaceutical product including the steps of:

producing a plurality of samples of biochemicals, each sample being produced by means of the method of claim 1;

testing each sample for pharmaceutical efficacy of the biochemical; and

for a sample of a biochemical showing pharmaceutical efficacy, producing and preparing said biochemical for human or animal consumption.

21. (Amended) A method of producing an agrochemical product including the steps of:

producing a plurality of samples of biochemicals, each sample being produced by means of the method of claim 1;

testing each sample for agrochemical efficacy of the biochemical; and  
for a sample of a biochemical showing agrochemical usefulness, producing and  
preparing said biochemical for agricultural application.

25. (Amended) A method in accordance with claim 20 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

30. (Amended) Apparatus in accordance with claim 27 wherein said support means includes manipulation means extending out of said storage means for aseptic manipulation of said support means.

Please add following new claims 32-35

32. (New) A method in accordance with claim 1 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

33. (New) A method in accordance with claim 14 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

34. (New) A method in accordance with claim 17 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

35. (New) A method in accordance with claim 21 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

**REMARKS**

Attached hereto is a marked-up version of the changes made to the claims by this Preliminary Amendment. The attachment is captioned "**APPENDIX TO PRELIMINARY AMENDMENT OF SEPTEMBER 17, 2001**" Deletions appear as normal text surrounded by [ ] and additions appear as underlined text.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 17, 2001

By: 

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**APPENDIX TO PRELIMINARY AMENDMENT OF SEPTEMBER 17, 2001**

**Amendments to the Claims:**

6. (Amended) A method in accordance with [any preceding] claim 1 including the step of controlling delivery of said first medium to said microorganism when said microorganism has access thereto.
8. (Amended) A method in accordance with claim 6 [or claim 7] wherein said step of controlling delivery of said first medium includes the step of regulating a humidity gradient along which said first medium is delivered.
9. (Amended) A method in accordance with [any of] claim[s] 6 [to 8] wherein said step of controlling delivery of said first medium includes the step of regulating a concentration gradient along which said first medium is delivered.
10. (Amended) A method in accordance with [any preceding] claim 1 including the step of controlling delivery of said second medium to said microorganism when said microorganism has access thereto.
12. (Amended) A method in accordance with claim 10 [or claim 11] wherein said step of controlling delivery of said second medium includes the step of regulating a humidity gradient along which said second medium is delivered.

13. (Amended) A method in accordance with [any one of] claim[s] 10 [to 12] wherein said step of controlling delivery of said second medium includes the step of regulating a concentration gradient along which said second medium is delivered.

14. (Amended) A method of developing a pharmaceutical product comprising the steps of:

performing the method of [any one of] claim[s] 1 [to 13] in respect of a microorganism under investigation;

applying mass spectrometry analysis to a sample generated by the method; and identifying a biochemical component of the sample for further investigation.

17. (Amended) A method of developing an agrochemical comprising the steps of:

performing the method of [any one of] claim[s] 1 [to 13] in respect of a microorganism under investigation;

applying mass spectrometry analysis to a sample generated by the method; and identifying a biochemical component of the sample for further investigation.

20. (Amended) A method of producing a pharmaceutical product including the steps of:

producing a plurality of samples of biochemicals, each sample being produced by means of the method of [any one of] claim[s] 1 [to 13];

testing each sample for pharmaceutical efficacy of the biochemical; and

for a sample of a biochemical showing pharmaceutical efficacy, producing and preparing said biochemical for human or animal consumption.

21. (Amended) A method of producing an agrochemical product including the steps of:

producing a plurality of samples of biochemicals, each sample being produced by means of the method of [any one of] claim[s] 1 [to 13];

testing each sample for agrochemical efficacy of the biochemical; and

for a sample of a biochemical showing agrochemical usefulness, producing and preparing said biochemical for agricultural application.

25. (Amended) A method in accordance with [any preceding] claim 20 wherein said positioning step places the microorganism with access to a medium providing conditions for a secondary metabolism pathway to be established, said biochemical being a secondary metabolite of said microorganism.

30. (Amended) Apparatus in accordance with [any one of] claim[s] 27 [to 29] wherein said support means includes manipulation means extending out of said storage means for aseptic manipulation of said support means.